

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED AGENDA (TIME CHANGE & ITEM ADDED TO EXECUTIVE SESSION)

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Monday, September 8, 2003

***4:00 P.M.

City Council Special Meeting

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd.

Roll Call

1. Brief update on status of Scottsdale adv. Allied Construction litigation. Contact: Steven Bennett 480-312-7737

***2. **Brief update on Status of Scottsdale v. GlenAlden (preserve) litigation. Contact: C. Brad Woodford, 480-312-2478 (bwoodford@scottsdaleaz.gov)**

3. MOTION TO RECESS INTO EXECUTIVE SESSION for:

- a. Discussion or consultation with the City's attorney(s) and its outside counsel for legal advice and to consider its position and instruct its attorneys regarding the following pending litigation: *City of Scottsdale adv. Allied Construction/Safeco*, Consolidated Case No. CV 00-003035. A.R.S. 38-431.03 (A)(3) and (A) (4) Contact: Steve Bennett 480-312-7737, (sbennett@scottsdaleaz.gov)

Adjourn

City Council Executive Session

Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting scheduled for 4:30 P.M., above.

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Appointment

Consideration of Appointment of Carolyn Jagger as City Clerk

Reappointment

Consideration of Reappointment of The Honorable James G. Blake as Associate City Judge

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

CONSENT AGENDA ITEMS 1 - 11

1. [Engineering Services Contract for McDonald Drive Street Improvements – Scottsdale Road to 78th Street](#)

Request: Authorize Engineering Services Contract 2003-134-COS with Carter Burgess, Inc., in the total amount of \$85,130.00 for preparation of a Design Concept Report for McDonald Drive Street improvements from Scottsdale Road to 78th Street.

Related Policies, References:

- Proposed Master Streets Plan, 2003
- Bond 2000 CIP Project

Staff Contact(s): Corey E. Lew, Project Manager, 480.312.7769, clew@scottsdaleaz.gov; Al Dreska, Capital Project Management Administrator, 480-312-2776, adreska@scottsdaleaz.gov

2. [Construction Bid Award for Water Distribution System Improvements at Reservoirs 36-1, 36-4, and 31.](#)

Request: Authorize Construction Bid Award No. 04PB002 to MGC Contractors, Inc., the lowest responsive bidder, at their lump sum bid of \$378,648.00 for the construction of water distribution improvements at three City reservoir sites, 36-1 at 142nd St. & Shea, 36-4 at 139th Pl. & Shea, and 31 at Earll & 82nd St.

Staff Contact(s): Alison Tymkiw, Project Manager, 480-312-7985, atymkiw@ScottsdaleAZ.gov; Al Dreska, Capital Project Management Administrator, 480-312-2776, adreska@scottsdaleaz.gov

3. Two-year lease extension for the Citizen Service Center at Papago Plaza

Request: Adopt Resolution No. 6354 authorizing Agreement No. 2000-156A-COS with the Malouf Trusts to provide a second two-year extension of Lease Agreement No. 2000-156-COS for the lease of 1,262 S.F. of office space for a joint Citizen Service Center and Beat 3 Police Department neighborhood office at Papago Plaza, 7111 E. McDowell Road.

Related Policies, References:

- Resolution No. 5623 authorizing Lease Agreement No. 2000-156-COS was adopted September 18, 2000.
- Resolution No. 5909 authorizing a two-year extension of Lease Agreement No. 2000-156-COS was adopted September 4, 2001.

Staff Contact(s): Lisa Collins, Customer Service and Communication Director, 480-312-7616, lcollins@scottsdaleaz.gov; Ron King, Asset Management Coordinator, 480-312-7042, rking@scottsdaleaz.gov

4. Construction of Pima Road Buffering Wall and Shea Boulevard Path

Requests:

1. Authorize construction bid award No. 03PB116 to Bison Contracting Co., Inc., the lowest responsive bidder, at their unit price bid of \$ \$1,142,755.15 for construction of the Pima buffering wall, along with a water transmission main, Intelligent Transportation System (ITS) conduit and pedestrian enhancements from Inner Circle to south of Via de Ventura and construction of a multiuse path along the south side of Shea Boulevard between 136th Street and 142nd Street
2. Authorize payment in the amount of \$28,445.00 to Salt River Project for installation and modification of electrical facilities along Shea Blvd.

Related Policies, References.

Authorization of Engineering Services Contract No. 2001-101-COS for the design of the Pima Road Buffering Wall and the Shea Boulevard Multiuse Path by City Council on July 1, 2002.

Staff Contact(s): Marek Urbanek, Project Manager, (480) 312-2563, murbanek@scottsdaleaz.gov; Al Dreska, Capital Project Management Administrator, 480-312-2776, adreska@scottsdaleaz.gov

5. Construction Bid Award for Demolition and Tree Salvage at the Future Chaparral Water Treatment Plant site located at the southeast corner of McDonald and Hayden Roads

Request: Authorize Construction Bid Award No. 04PB014 to Breinholt Contracting, Inc., Inc., the lowest responsive bidder, at their lump sum bid of \$168,562.73.

Staff Contact(s): Bill Peifer, Project Manager, (480) 312-7869, bpeifer@scottsdaleaz.gov; Al Dreska, Capital Project Management Administrator, 480-312-2776, adreska@scottsdaleaz.gov

6. **Architectural Services Contract for the WestWorld Restroom Facility CIP Project**

Authorize Architectural Services Contract 2003-116-COS with Carter Burgess in the total amount of \$64,340.00 for the design of a new restroom/shower/laundry building at WestWorld.

Related Policies, References:

- Development Review Board (Case #116-DR-93 #2,3 & 4) May 1994 related to WestWorld entry signage, re-vegetation, and Western Theme Park
 - Planning Commission (Case # 20-ZN-1995#2) January 28, 2003 – WestWorld Master Development Plan
 - City Council – WestWorld Master Development Plan, March 18, 2003
 - Development Review Board (Case #41-DR-2003) July 10, 2003 – WestWorld Design Guidelines
- Brad Gessner, WestWorld General Manager, (480) 312-6825, bgessner@scottsdaleaz.gov
Annette Grove, , Capital Project Management, Sr. Project Manager, (480) 312-2399, agrove@scottsdaleaz.gov

7. **Construction Contract Award for intersection improvements at Frank Lloyd Wright Boulevard (FLWB) and Greenway/Hayden Road.**

Request: Authorize Construction Contract Award No. 03PB131 to CPC Construction Inc., the lowest responsive bidder, at their total unit price bid of \$217,181.53 for the construction of intersection improvements at Frank Lloyd Wright Boulevard and Greenway/Hayden Road.

Staff Contact(s): Alex McLaren, Construction & Design Director, amclaren@ci.scottsdale.az.us, (480) 312-7099

8. **Enter into a contract for legal counsel in the Arizona General Stream Adjudication.**

Request: Adopt Resolution No. 6368 authorizing the Mayor to enter into Intergovernmental Agreement No. 2003-145-COS, between the cities of Scottsdale, Glendale, Mesa and Chandler to provide for joint funding for outside legal counsel in the Arizona General Stream Adjudication, and corresponding Agreement No. 2003-144-COS which sets forth payment and insurance provisions which are unique to Scottsdale's preferred form of consultant agreement.

Related Policies, References: The City is a party to the Arizona General Stream Adjudication, a massive lawsuit to apportion rights to the surface waters of Arizona.

Staff Contact(s): Janis Villalpando, 480-312-2472, jvillalpando@scottsdaleaz.gov

9. **Construction Bid Award for improvements to Pinnacle Vista Drive east of Alma School Road**

Request: Authorize Construction Bid Award No. 03PB128 to Northern Arizona Systems Corporation, the lowest responsive bidder, at their lump sum bid of \$125,600 for construction of improvements to Pinnacle Vista Drive east of Alma School Road.

Related Policies, References: This project will assist in meeting Maricopa County Rule 310.01 (MCR 310.01), Fugitive Dust Sources on Unpaved Roadways

Staff Contact(s): Alex McLaren, Construction and Design Director, 480-312-7099
amclaren@scottsdaleaz.gov

10. Architectural Design Services for the Teen Center at the Civic Center Library.

Requests:

1. Authorize a capital contingency transfer for budget authority only in the amount of \$506,000 for a new CIP project entitled “Teen Center at Civic Center Library.” Donated funds will be used for this project.
2. Authorize Architectural Design Services Contract No. 2003-141-COS with Wendell Burnette Architects in the amount of \$79,610.54 to provide construction documents for the new Teen Center.

Staff Contact(s): Debbie Tang, Special Projects/Facilities Manager, (480) 312-2040, dtang@scottsdaleaz.gov; Bill Exham, Community Services General Manager, 480-312-2377, bexham@scottsdaleaz.gov

11. Wastewater Supplement to the Dynamite Foothills Local Area Master Plan

Request: Authorize Engineering Services Contract No. 2003-138-COS with Primattech, LLC, in the amount of \$101,600.00 to provide conceptual design and recommendation of options to provide wastewater service to the east Dynamite corridor.

Related Policies, References:

- a. Water Resources Master Plan, approved by City Council on October 15, 2001.
- b. Dynamite Foothills Local Area Master Plan (Draft), dated October 1, 2002.

Staff Contact(s): Doug Mann, Senior Water Resources Engineer, 480-312-5636, dmann@scottsdaleaz.gov; Dave Mansfield, Water Resources General Manager, dmansfield@scottsdaleaz.gov

Regular Agenda begins on the following page

12. Proposed WestWorld Rates and Fees Schedule and Financial Guidelines

Request: Adopt Resolution No. 6366, authorizing the WestWorld Rates and Fees Schedule. The Proposed 2004 Fee Schedule includes a five percent (5%) rate and fee increase, a proposed “manure haul off” rate increase from \$5.00 per stall per show to \$7.50 per stall per show, and excludes increases to billable hourly labor rates and specified equipment rental rates.

Related Policies, References:

- Cost Sharing and Recreational Land Use Agreement For Use of the WestWorld Property between the United States Bureau of Reclamation (BOR) and the City of Scottsdale (Agreement), dated July 29, 1982. Article IV, Section A of the Agreement requires that “not less often than every five years, the parties will review [the] fee schedule and, upon request of either, renegotiate the schedule”.
- Resolution No. 6065: A Resolution of the Council of the City of Scottsdale, Arizona, Approving and Adopting a Revised WestWorld Rates and Fees Schedule, Effective January 1, 2003.
- Resolution No. 6288: A Resolution of the City of Scottsdale, Arizona, Establishing Financial Policies Section 1. Operating Management Policy Number 9: “All non-enterprise user fees and charges will be examined annually to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council”.

Staff Contact(s): Bryan R. Bundy, Sr. Financial Analyst, (480) 312-7708, bbundy@ScottsdaleAZ.gov; Craig Clifford Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

13. Scottsdale First Assembly of God

Request: Initiate a review of the Development Review Board approval for the Scottsdale First Assembly of God Dream Center.

Location: South of the Southwest corner of Pima Road and Via Dona Road

Reference: 36-DR-2003

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, kekblaw@ScottsdaleAZ.gov

14. Construction Bid Award for Civic Center Mall Amphitheater and Nevelson Sculpture Re-siting

Request: Authorize Construction Bid Award No. 04PB004 to Howard S. Wright Construction, the lowest responsive bidder, at their lump sum bid of \$347,021.00.

Staff Contact(s): Bill Peifer, Sr. Project Manager, bpeifer@scottsdaleaz.gov (480) 312- 7869; Al Dreska, 480-312-2776, adreska@scottsdaleaz.gov

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REGULAR AGENDA

Monday, September 8, 2003
Page 7 of 7

City Manager's Report

Mayor and Council Items

Adjournment

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 in the Kiva Conference Room, City Hall, immediately following the 4:30 P.M. Special Meeting. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.